

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**In Re:**

**AREDIA® AND ZOMETA® PRODUCTS  
LIABILITY LITIGATION**

**(MDL No. 1760)**

**This Document Relates to:  
*Raso*, 3:07-CV-00567**

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**No. 3:06-MD-1760**

**Judge Campbell/Brown**

**ORDER**

The court entered an order on August 5, 2008 (MDL. Doc. 1499; Related Case 11) granting plaintiff's July 31, 2008 motion to substitute (MDL. Doc. 1490; Related Case 10). Plaintiff filed a motion on July 24, 2013 for leave to file an amended motion to substitute in this Group 2 case. (DE 6847; Related Case 27) Defendant Novartis Pharmaceuticals (NPC) responded in opposition to the motion on August 7, 2013, moving at the same time to vacate the court's August 5, 2008 order and to dismiss this case on procedural grounds. (DE 6894; Related Case 28)

The Magistrate Judge entered a Report and Recommendation (R&R) in this case and thirteen others on September 23, 2013 recommending that NPC's motions be denied in all cases. (MDL Doc. 7011; Related Case 38) Decision on plaintiff's request to file an amended motion to substitute was held in abeyance pending the District Judge's decision on the Magistrate Judge's R&R. The District Judge adopted and approved the R&R on November 5, 2013. (MDL Doc. 7107; Related Case 47)

The grounds on which NPC opposed plaintiffs's motion for leave to file an amended motion to substitute were decided in plaintiff's favor when the District Judge adopted and approved the Magistrate Judge's R&R. NPC has not renewed its opposition to the motion, nor has it filed additional grounds in support of its opposition. Accordingly, plaintiff's motion for leave to file an amended motion for substitution (DE 6847; Related Case 27) is **GRANTED**.

Plaintiff has had nearly four months since he filed his motion in July to determine whom he intends to substitute in this case. Therefore, plaintiff shall file his amended motion to substitute NOT LATER than December 2, 2013. Plaintiff is forewarned that, failure to comply with this order within the time frame specified, or to request an extension of time with an appropriate explanation if more time is required, could result in a recommendation of dismissal for failure to prosecute and/or for failure to comply with the orders of the court, and/or other sanctions.

It is so **ORDERED**.

**ENTERED** the 13<sup>th</sup> day of November, 2013.

/s/Joe B. Brown  
Joe B. Brown  
United States Magistrate Judge